IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.16859 of 2000
Date of Decision:07.09.2009

Ajit Kumar .....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court and another

...Respondents

2. **C.W.P. No.17390 of 2000**

Kamla Devi .....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court and another

...Respondents

3. **C.W.P. No.17903 of 2000**

Devi Charan .....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court and another

...Respondents

4. **C.W.P. No.17904 of 2000**

Rajinder Kumar .....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court and another

...Respondents

Present: Mr. Nand Lal Sammi, Advocate
for the petitioner.

Mr. P.K. Mutneja, Advocate
for respondent No.2.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? **Yes**
2. To be referred to the Reporters or not ? **Yes**
3. Whether the judgment should be reported in the Digest?**Yes**

-.-

K. KANNAN J.(ORAL)

1. The four cases relate to four different workmen and the same establishment. They are connected and therefore, being disposed of by a common order.

2. The workmen, who were terminated from service on the eve of closure of the industry and having been paid the closure compensation complained that the management had not paid compensation under Section 25-F of the Industrial Disputes Act and the seniority list had not been properly maintained and the termination was made in violation of Section 25-G of the Industrial Disputes Act.

3. The Labour Court rejected the workmen's plea on the finding that the factory had been closed and the workmen were entitled only to compensation as provided under Section 25(FFF) of the Industrial Disputes Act and the workmen were not entitled to the relief as sought for.

4. Learned counsel appearing for the petitioners-workmen states vehemently that admittedly the juniors in the establishment who had been terminated were re-employed and therefore, the workmen were entitled to consideration of re-employment under Section 25-H and the same having not been done, the workmen were entitled to the reliefs sought for. The benefit under Section 25-H which talks about re-employment is different from a right of reinstatement and in a case where the factory itself had been closed, there is no question of applying the principles under Section 25-F or Section 25-G or H of the Industrial Disputes Act. The matter has been dealt with in a decision of the Hon'ble Supreme Court in ***Maruti Udyog Ltd. Vs.***

Ram Lal and others (2005) 2 SCC 638 where the Hon'ble Supreme Court has held that in the case of closure or transfer of undertaking, re-employment of workmen of closed/transferred undertaking by reviving/transferee undertaking under Section 25-H is not contemplated..... Section 25-F is itself to apply under Section 25-FFF and 25-FF only for the purpose of computation of compensation payable thereunder, and not for any other purpose.

5. The order of the Labour Court, under the circumstances and for the reasons set out through the exposition of law of the Hon'ble Supreme Court is perfectly legal and there is no scope for interference in the writ petition. The writ petition is accordingly dismissed. There shall be, however, no direction as to costs.

(K. KANNAN)
JUDGE

September 07, 2009
Pankaj*